

REMARKS

Amendments

The specification is amended to incorporate the language of the original claims into the specification. Support is found in the original claims. No new matter is added.

The claims are amended for clarification purposes. The scope of the claims is not narrowed by the amendments.

Restriction Requirement

In response to the Restriction requirement, applicants hereby elect Group I, claims 1-7, drawn to a method for discovering suitable chromatography parameters for the separation of biological molecules. The election is made with traverse for the reasons set forth below. Applicants reserve the right to file one or more divisional applications directed to the non-elected subject matter.

Applicants respectfully traverse the restriction. The Office action alleges that the inventions of Groups I and II lack the same or corresponding technical features. Applicants respectfully submit that the kit claims are dependent on the method claims and recite that the kits are for discovering suitable chromatography conditions in the separation of biological molecules by the method according to claim 1. Thus, the kit claims do require the special technical features of the method claims. Applicants disagree that US Pat. Pub. No. 2001/0047086 renders claim 8 obvious or anticipated. The publication does not disclose or suggest a kit capably of performing the method of claim 1, as recited in claim 8.

Thus, the restriction requirement should be withdrawn.

Election of Species

In response to the requirement for an election of species, applicants hereby elect the species, as follows. For the biological sample (election I), applicants elect a sample comprising unpurified proteins for purification. For the chromatography media (election II), applicants elect hydrophobic interaction chromatography media. For the non-binding group (election III), applicants elect non-binding base proteins. For the stabilization agent (election IV), applicants elect a buffer solution, such as described in working example 1 or 3 of the specification. Although this election does not follow the species recited in the Office action,

it is more appropriate to the actual invention and claim 5 has been amended above to reflect this. It is believed that elected claims 1-7 encompass the elected species.

The Examiner is encouraged to examine the broadest possible scope of invention indicated by the elected species. As stated in the Office action, should no prior art be found which renders the invention of the elected species unpatentable, the search of the remainder of the generic claim(s) should be continued in the same application. It is improper for the PTO to refuse to examine in one application the entire scope of the claims therein unless they lack unity of invention. The generic claims herein have not been alleged to lack unity of invention.

Favorable action is earnestly solicited.

No fee is believed due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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